

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 TAKO LLC,  
4 Plaintiff

5 v.

6 PARNELL COLVIN,  
7 Defendant

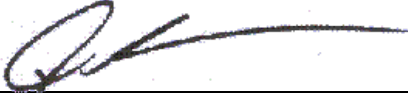
Case No.: 2:22-cv-01837-APG-NJK

**Order Remanding Case for Lack of  
Subject Matter Jurisdiction**

9 Defendant Parnell Colvin removed this action from state court based on federal question  
10 jurisdiction. ECF No. 1. Under 28 U.S.C. § 1331, federal district courts have jurisdiction over  
11 “all civil actions arising under the Constitution, laws, or treaties of the United States.” Colvin  
12 asserted that federal question jurisdiction exists because plaintiff Tako LLC violated his federal  
13 constitutional rights. However, Colvin’s federal defenses or counterclaims cannot create federal  
14 question jurisdiction for removal. *See* ECF No. 5 at 1 (citing cases). I therefore ordered Colvin  
15 to show cause why this action should not be remanded to state court for lack of subject matter  
16 jurisdiction. *Id.* I advised Colvin that failure to respond by November 16, 2022 would result in  
17 remand. *Id.* Colvin did not respond.

18 I THEREFORE ORDER that the case is remanded to the state court from which it was  
19 removed for all further proceedings. The clerk of court is instructed to close this case.

20 DATED this 21st day of November, 2022.

21   
22 \_\_\_\_\_  
23 ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE